



# FENWICK & WEST LLP

SAN FRANCISCO OFFICE | EMBARCADERO CENTER WEST

275 BATTERY ST., SUITE 1500 | SAN FRANCISCO, CA 94111

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DEC 23 2004

## FACSIMILE TRANSMISSION

CONFIDENTIAL

DATE: 12/23/04

ATTORNEY DOCKET NO: 23540-7445 US

To:

NAME	FAX NO.	PHONE NO.
USPTO GAL 1631 / Examiner Ly	703-872-9306	

FROM: Susan T. Hubl, Ph.D. PHONE: (415) 875-2316  
Patent Agent

NUMBER OF PAGES WITH COVER PAGE: 14 ORIGINAL WILL NOT FOLLOW

## MESSAGE:

US Patent Application No. 09/955,663

Response After Final

## CAUTION - CONFIDENTIAL

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DEC. 23 2004

<b>0001/PTO</b> <b>Rev. 10/95</b> <b>U.S. Department of Commerce</b> <b>Patent and Trademark Office</b>		Application Number	09/455,643
<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence during pendency of filed application)</i>		Filing Date	09/19/2001
		First Named Inventor	RUCKE
		Group Art Unit Number	1631
		Examiner Name	Chyne D. Ly
Total Number of Pages in This Submission	14	Attorney Docket Number	23540-7445US (2001-072-2)

**ENCLOSURES (check all that apply)**

**REMARKS:**

**SIGNATURE OF ATTORNEY OR AGENT**

Signature:	<i>Susan T. Hubl</i>	
Attorney/Reg. No.:	Susan T. Hubl, Ph.D., Patent Agent/ USPTO Reg No. 47,668	Dated: 13/23/04

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence, including the enclosures identified above, is being transmitted on the date shown below via facsimile to: Commissioner for Patents at the facsimile number indicated below.

Signature:	SUSAN T. HUBL		
Typed or Printed Name:	Susan T. Hubl	Dated:	12/23/04
Facsimile Number:	703-872-9306		



<h1>FEET TRANSMITTAL for FY 2005</h1> <p>Patent fees are subject to annual revision.</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p><b>TOTAL AMOUNT OF PAYMENT</b> <b>(\$ 60.00)</b></p>		<b>Complete if Known</b> <table border="1"> <tr><td>Application Number</td><td>09/455,663</td></tr> <tr><td>Filing Date</td><td>09/19/2001</td></tr> <tr><td>First Named Inventor</td><td>ROCKE</td></tr> <tr><td>Examiner Name</td><td>LY</td></tr> <tr><td>Art Unit</td><td>163</td></tr> <tr><td>Attorney Docket No.</td><td>23540-7445 US</td></tr> </table>		Application Number	09/455,663	Filing Date	09/19/2001	First Named Inventor	ROCKE	Examiner Name	LY	Art Unit	163	Attorney Docket No.	23540-7445 US																																																																																																																																																				
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<b>METHOD OF PAYMENT</b> (check all that apply) <p><input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None  <input checked="" type="checkbox"/> Deposit Account:          Deposit Account Number <b>19-2655</b>          Deposit Account Name <b>Fenwick &amp; West LLP</b></p> <p>The Commissioner is authorized to: (check all that apply)  <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments  <input checked="" type="checkbox"/> Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application  <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.</p>		<b>FEE CALCULATION (continued)</b> <table border="1"> <tr> <td colspan="2"> <b>3. ADDITIONAL FEES</b> </td> </tr> <tr> <td>Large Entity</td> <td>Small Entity</td> <td>Fee Description</td> <td>Fee Paid</td> </tr> <tr> <td>Fee Code (\$)</td> <td>Fee Code (\$)</td> <td>Fee (\$)</td> <td>Fee (\$)</td> </tr> <tr> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td colspan="2"> <b>SUBTOTAL (1) (\$)</b> </td> <td colspan="2"> <b>60</b> </td> </tr> </table>		<b>3. ADDITIONAL FEES</b>		Large Entity	Small Entity	Fee Description	Fee Paid	Fee Code (\$)	Fee Code (\$)	Fee (\$)	Fee (\$)					<b>SUBTOTAL (1) (\$)</b>		<b>60</b>																																																																																																																																															
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<b>SUBMITTED BY</b> Name (Print/Type) <b>SUSAN T. HUBL</b> Signature <b>Susan T. HUBL</b>		<b>Complete (if applicable)</b> Registration No. (Attorney/Agent) <b>47,668</b> Telephone <b>415 875 2316</b> Date <b>12/23/04</b>																																																																																																																																																																	

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 23 2004

APPLICANT(S):	David M. Rocke
APPLICATION NO.:	09/955,663
FILING DATE:	September 19, 2001
TITLE:	Method for Determining Measurement Error for Nucleic Acid Microarrays
EXAMINER:	Cheyne D. Ly
GROUP ART UNIT:	1631
ATTY. DKT. NO.:	23540-07445US (UC Ref 2001-072-2)
<b>CERTIFICATE OF TRANSMISSION</b>	
I hereby certify that this correspondence is being transmitted on the date shown below via facsimile to the attention of: Examiner Cheyne D. Ly at facsimile number 703-872-9306.	
12/23/04 _____ Date	<i>Susan T. Hubl</i> _____ Susan T. Hubl, Ph.D., Reg. No.: 47,668

COMMISSIONER FOR PATENTS

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ALEXANDRIA, VA 22313-1450

## SUPPLEMENTAL RESPONSE AFTER FINAL

SIR:

A Final Office Action for the above referenced case was mailed on 09/09/04. Applicant filed a Response on 11/09/04. During a telephone conference with Examiner Ly on November 22, 2004, the Examiner noted that the Response filed 11/09/04 could not be considered due to various informalities, and indicated that he would consider a Supplemental Response that had the various informalities corrected. Accordingly, Applicant submits this Supplemental Response after Final, and requests that this Supplemental Response REPLACE the Response filed 11/09/04.

Applicant respectfully requests reconsideration of the claims in the above-identified application in view of the following amendments and remarks for the purpose of putting the application in condition for allowance or, alternatively, to narrow the issues for appeal.

23540-07445/DOCS/1492085.1

12-23-2004 03:37PM FROM-FENWICK&WEST SF139

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T-362 P.006/014 F-825

Attorney Docket No: 23540-07445/US  
Client Ref: 2001-072-2  
USSN: 09/955,663

**Amendments to the Specification begin on page 2. Amendments to the Claims  
begin on page 3. Remarks begin on page 6.**